

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANGOSS SOFTWARE CORP.,)	
)	
Plaintiff(s),)	No. C 05-5224 BZ
)	
v.)	
)	
)	and related case
SIEBEL SYSTEMS, INC.,)	
)	
Defendant(s).)	
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SIEBEL SYSTEMS, INC.,)	No. C 05-5225 BZ
)	
Plaintiff(s),)	ORDER SCHEDULING
)	COURT TRIAL AND
v.)	PRETRIAL MATTERS
)	
ANGOSS SOFTWARE CORP.,)	
)	
Defendant(s).)	
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Following the Status Management Conference, **IT IS HEREBY ORDERED** that:

1. DATES

Trial Date: Monday, April 24, 2006, **8:30 a.m.**

Pretrial Conference: Tuesday, April 11, 2006, **4:00 p.m.**

Close of all Discovery: Friday, March 31, 2006

2. SETTLEMENT

This case has been referred for assignment to a Magistrate Judge to conduct a settlement conference. Counsel will be contacted by that judge's chambers with a date and time for the conference.

3. PRETRIAL CONFERENCE

Not less than twenty five days prior to the date of the pretrial conference, the parties shall meet and take all steps necessary to fulfill the requirements of this Order.

Not less than twenty days prior to the pretrial conference, the parties shall: (1) serve and file a joint pretrial statement, containing the information listed in **Attachment 1**, and a proposed pretrial order; (2) serve and file Daubert motions, proposed findings of fact and conclusions of law, and statements designating excerpts from discovery that will be offered at trial (specifying the witness and page and line references); (3) exchange exhibits, agree on and number a joint set of exhibits and number separately those exhibits to which the parties cannot agree; (4) deliver all marked trial exhibits directly to the courtroom clerk, Ms. Scott; (5) deliver one extra set of all marked exhibits directly to Chambers; and (6) submit all exhibits in three-ring binders. Each exhibit shall be marked with an exhibit label as contained in **Attachment 2**.

No party shall be permitted to call any witness or offer any exhibit in its case in chief that is not disclosed at pretrial, without leave of Court and for good cause.

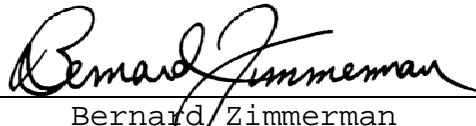
Lead trial counsel for each party shall meet and confer

1 in an effort to resolve all disputes regarding anticipated
2 testimony, witnesses and exhibits. All Daubert motions and
3 objections will be heard at the pretrial conference. Not
4 less than ten days prior to the pretrial conference, the
5 parties shall serve and file any objections to witnesses or
6 exhibits or to the qualifications of an expert witness.
7 Oppositions to Daubert motions shall be filed and served not
8 less than ten days prior to the conference. There shall be
9 no replies.

10 All motions and proposed findings of fact and
11 conclusions of law, shall be accompanied by a floppy diskette
12 containing a copy of the document formatted in WordPerfect
13 6.1, 8, 9 or 10 (Windows) or may be e-mailed in WordPerfect
14 format to the following address: bzpo@cand.uscourts.gov

15 At the time of filing the original with the Clerk's
16 Office, two copies of all documents (but only one copy of the
17 exhibits) shall be delivered directly to Chambers (Room 15-
18 6688). Chambers' copies of all pretrial documents shall be
19 three-hole punched at the side, suitable for insertion into
20 standard, three-ring binders.

21 Dated: March 7, 2006

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24 Bernard Zimmerman
25 United States Magistrate Judge
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ATTACHMENT 1

The parties shall file a joint pretrial conference statement containing the following information:

(1) The Action.

(A) Substance of the Action. A brief description of the substance of claims and defenses which remain to be decided.

(B) Relief Prayed. A detailed statement of each party's position on the relief claimed, particularly itemizing all elements of damages claimed as well as witnesses, documents or other evidentiary material to be presented concerning the amount of those damages.

(2) The Factual Basis of the Action.

(A) Undisputed Facts. A plain and concise statement of all relevant facts not reasonably disputable, as well as which facts parties will stipulate for incorporation into the trial record without the necessity of supporting testimony or exhibits.

(B) Disputed Factual Issues. A plain and concise statement of all disputed factual issues which remain to be decided.

(C) Agreed Statement. A statement assessing whether all or part of the action may be presented upon an agreed statement of facts.

(D) Stipulations. A statement of stipulations requested or proposed for pretrial or trial purposes.

(3) Trial Preparation.

A brief description of the efforts the parties have made to resolve disputes over anticipated testimony, exhibits and witnesses.

1 (A) Witnesses to be Called. In lieu
2 of FRCP 26(a)(3)(A), a list of
3 all witnesses likely to be
4 called at trial, other than
5 solely for impeachment or
6 rebuttal, together with a brief
7 statement following each name
8 describing the substance of the
9 testimony to be given.

6 (B) Estimate of Trial Time. An
7 estimate of the number of court
8 days needed for the presentation
9 of each party's case, indicating
10 possible reductions in time
11 through proposed stipulations,
12 agreed statements of facts, or
13 expedited means of presenting
14 testimony and exhibits.

11 (C) Use of Discovery Responses. In
12 lieu of FRCP 26(a)(3)(B), cite
13 possible presentation at trial
14 of evidence, other than solely
15 for impeachment or rebuttal,
16 through use of excerpts from
17 depositions, from interrogatory
18 answers, or from responses to
19 requests for admission. Counsel
20 shall state any objections to
21 use of these materials and that
22 counsel has conferred respecting
23 such objections.

18 (D) Further Discovery or Motions. A
19 statement of all remaining
20 motions, including motions in
21 limine.

21 **(4) Trial Alternatives and Options.**

22 (A) Settlement Discussion. A
23 statement summarizing the status
24 of settlement negotiations and
25 indicating whether further
26 negotiations are likely to be
27 productive.

25 (C) Amendments, Dismissals. A
26 statement of requested or
27 proposed amendments to pleadings
28 or dismissals of parties, claims
or defenses.

(D) Bifurcation, Separate Trial of

1 Issues. A statement of whether
2 bifurcation or a separate trial
3 of specific issues is feasible
4 and desired.

5 (5) **Miscellaneous.**

6 Any other subjects relevant to the trial of the action,
7 or material to its just, speedy and inexpensive determination.
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ATTACHMENT 2**USDC**

Case No. CV05-05224 BZ

JOINT Exhibit No. _____

Date Entered _____

Signature _____

USDC

Case No. CV05-05224 BZ

JOINT Exhibit No. _____

Date Entered _____

Signature _____

USDC

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JOINT Exhibit No. _____

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Date Entered _____

Signature _____

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Case No. CV05-05224 BZ

PLNTF Exhibit No. _____

Date Entered _____

Signature _____

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Date Entered _____

Signature _____

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Case No. CV05-05224 BZ

DEFT Exhibit No. _____

Date Entered _____

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